

Sentence Review Division  
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(406) 841-2976

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,	)	Cause No. DC-18-071
	)	
Plaintiff,	)	Custer County District Court
	)	Montana Sixteenth Judicial District
	)	
-vs-	)	<b>DECISION</b>
	)	
TOBIAS WEYLIN SIMS,	)	
Defendant.	)	

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On May 3, 2019, the Defendant was sentenced for Count 1: Criminal Possession with Intent to Distribute, Methamphetamine, to the Montana State Prison for twenty (20) years, none suspended, and ordered to pay a \$15,000 fine and court fees. As to Count 6: Conspiracy to Commit Distribution of Dangerous Drugs, Methamphetamine, the Defendant was sentenced to the Montana State Prison for twenty (20) years, all suspended, to run consecutively to Count 1. Counts 2, 3, 4, 5, and 7 were dismissed with prejudice. The Defendant was granted credit for time served of 84 days. The Court recommended that upon release from Department of Corrections programming, the Defendant apply for, and if accepted, successfully complete a Treatment Court program.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and represented by Russ Hart of the Netzer Law Office, P. C. The State was represented by Custer County Attorney Wyatt Glade, who participated by video conferencing.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 7<sup>th</sup> day of November, 2019.

DATED this 11<sup>th</sup> day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



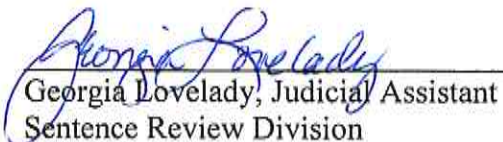
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13<sup>th</sup> day  
of December, 2019, to:

Clerk of District Court (Original)  
Tobias Weylin Sims #3026420, Defendant (2)  
Hon. Michael B. Hayworth  
Russ Hart, Defense Counsel  
Wyatt A. Glade, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division